

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

APPLIED CAPITAL, INC.,

Plaintiff,

vs.

THE ADT CORPORATION and ADT LLC,

Defendants.

CIVIL ACTION NO. 1:16-CV-00815

**MEMORANDUM AND ORDER**

This matter is before the Court on defendants ADT Corporation's and ADT LLC's (collectively "ADT") motion to continue trial. D.I. 254. Plaintiff opposes the motion. D.I. 255. This action is set for trial on April 5, 2021. As it presently stands, the Court is advised that the United States District Court for the District of New Mexico will resume conducting civil jury trials in March of this year. The Court has considered the parties' positions and finds that the motion to continue trial should be denied, without prejudice to reassertion if circumstances change, or if the district court does not resume civil jury trials in March 2021. Accordingly,

IT IS ORDERED that ADT's motion to continue trial (D.I. 254) is denied.

Dated this 12<sup>th</sup> day of February, 2021.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge